

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**RODERICK K. NELSON, #1125789**

§

**VS.**

§

**CIVIL ACTION NO. 5:09cv119**

**DANIEL P. SIMMONS**

§

**ORDER**

Came on for consideration, the Attorney General's *amicus curiae* motion to seal and advisory to the Court (docket entry #16). The Attorney General ("OAG") noted that Defendant Daniel P. Simmons whereabouts are unknown. Furthermore, the OAG has not been in contact with him, and he has not requested that the OAG represent him. The OAG asked that the information as to his last known address remain under seal. The motion is reasonable, and the Court will have summons issued using the last known address and the Marshal will attempt service at the address. It is accordingly

**ORDERED** that the motion to seal (docket entry #16) is **GRANTED**. It is further

**ORDERED** that the Clerk of Court shall issue process for Daniel P. Simmons, using the address provided under seal by the OAG, and deliver it to the United States Marshal for service at no cost to the Plaintiff, and Daniel P. Simmons shall have thirty (30) days from the date of service of process to answer or otherwise plead to the claims made against him.

**SIGNED this 14th day of October, 2009.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE